

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ALICIA SEIDL)	
)	
COMPLAINANT)	
)	CASE NO.
V.)	2022-00361
)	
LOUISVILLE GAS AND ELECTRIC COMPANY)	
)	
DEFENDANT)	

ORDER

On October 17, 2022, Alicia Seidl filed a complaint alleging that Louisville Gas and Electric Company (LG&E) violated the terms of its net metering tariff and overbilled her as a result. For the reasons discussed below the Commission finds that a *prima facie* case has not been established and that Ms. Seidl should be given 20 days to amend the complaint to establish a *prima facie* case or the case should be dismissed.

LEGAL STANDARD

Pursuant to KRS 278.260, the Commission has jurisdiction over complaints regarding rates or service. Commission regulation 807 KAR 5:001E, Section 20(4)(a), requires the Commission to examine the complaint to ascertain if the complaint establishes a *prima facie* case that the utility has violated a statute, regulation, tariff, or order for which the Commission may grant relief.¹ A complaint establishes a *prima facie*

¹ 807 KAR 5:001E, Section 20(4)(a).

case when, on its face, it states sufficient allegations that, if uncontroverted by other evidence, would entitle the complainant to the relief requested.

If a complaint fails to establish a *prima facie* case or conform to the administrative regulation, 807 KAR 5:001E, Section 20(4)(a)(1) provides that the complainant be notified and provided an opportunity to amend the complaint within a specified time. Additionally, 807 KAR 5:001E, Section 20(4)(a)(2) provides that if the complaint is not amended within the time that the Commission grants, then the complaint shall be dismissed.

KRS 278.466(3) outlines the method for which net metering customers are compensated for energy that flows to the retail electric supplier, and states that the rate to be used shall be set by the Commission in the usual ratemaking process.

KRS 278.466(4) sets the requirements for how a retail electric supplier must credit a customer-generator's bill when the amount of credit for energy that flows to the retail electric supplier exceeds the amount to be billed to the customer for energy used by the customer from the retail electric supplier. In particular this statute states that any excess bill credit shall carry forward to the customer's next bill, and that if the customer-generator closes their account no cash refund for accumulated bill credits shall be paid.

BACKGROUND

LG&E's net metering rates are described in its tariff on file with the Commission.² These rates were approved in Case No. 2020-00350 by Order on November 4, 2021³

² TFS 2020-00350 (Ky. PSC Nov. 4, 2021); the tariff was accepted for filing by the Commission and effective September 24, 2021, Original Sheet No. 57, Net Metering Service-1, and Original Sheet No. 58, Net Metering Service-2.

³ Case No. 2020-00350, *Electronic Application of Louisville Gas and Electric Company of Adjustment of its electric and Gas Rates, a Certificate of Public Convenience and Necessity to Deploy Advanced Metering Infrastructure, Approval of Certain Regulatory and Accounting Treatments, and Establishment of a One-Year Surcredit* (Ky. PSC Nov. 4, 2021), Order.

LG&E's Net Metering Service-1 (NMS-1) tariff indicates that it is available to customers whose eligible generating facility was in service before September 24, 2021.⁴ LG&E's Net Metering Service-2 (NMS-2) tariff indicates that it is available to customers whose eligible generating facility attains in service status on or after September 24, 2021.⁵

Although Ms. Seidl's complaint references language from both the NMS-1 and NMS-2 net metering tariff sections,⁶ she appears to take service under the NMS-2 tariff based on the bill she provided with her complaint.⁷ She asserted that she is entitled to a bill credit based on the net difference between energy used and energy exported, per the NMS-1 tariff language, which applies only to legacy customers who took net metering service prior to September 24, 2021.⁸ This language is not included in the NMS-2 tariff, which provides a dollar-denominated credit of \$0.06924 per kWh instead of the 1:1 net metering ratio provided to legacy net metering customers under NMS-1.⁹

DISCUSSION AND FINDINGS

Under KRS 278.466(6), a 1:1 kilowatt-hour denominated energy credit is only provided for legacy customers taking service before September 24, 2021. Under KRS 278.466(3) other net metering customers, who are not legacy customers, receive a credit

⁴ TFS 2020-00350 (Ky. PSC Nov. 4, 2021); the tariff was accepted for filing by the Commission and effective September 24, 2021, Original Sheet No. 57, Net Metering Service-1 (NMS-1 Tariff Sheet).

⁵ TFS 2020-00350 (Ky. PSC Nov. 4, 2021); the tariff was accepted for filing by the Commission and effective September 24, 2021, Original Sheet No. 58, Net Metering Service-2 (NMS-2 Tariff Sheet)

⁶ Complaint at unnumbered 7–8 (NMS-1 and NMS-2 tariff sheets).

⁷ Complaint at unnumbered 5 (Sept. 20, 2022 bill).

⁸ "If electricity generated by Customer and fed back to Company's system exceeds the electricity supplied to Customer from the system during a billing period, Customer shall receive a billing-period credit for the net delivery on Customer's bill for the succeeding billing periods." NMS-1 Tariff Sheet.

⁹ NMS-1 Tariff Sheet.

for exported energy at a compensation rate established by the Commission. The compensation rate established by the Commission is set forth in the NMS-2 tariff. The compensation rate is used properly in the calculation of the bill provided by Ms. Seidl.¹⁰ Ms. Seidl has not presented evidence that she is a legacy customer entitled to take service under NMS-1 and KRS 278.466(6).

Having reviewed Ms. Seidl's complaint and the evidence submitted, the Commission finds that she has not established a *prima facie* case that the utility has violated a statute, regulation, tariff, or order for which the Commission may grant relief. Further, Ms. Seidl's complaint and the evidence submitted do not establish that the rate Ms. Seidl is being charged is unreasonable or unjustly discriminatory.¹¹ In accordance with 807 KAR 5:001E, Section 20(4)(a)(1)-(2), the Commission finds that Ms. Seidl should be afforded the opportunity to amend her complaint. The Commission further finds that Ms. Seidl should file an amended complaint within 20 days of the date of service of this Order. Ms. Seidl may file her amended complaint by U.S. mail or by email to PSCED@ky.gov.

IT IS THEREFORE ORDERED that:

1. Ms. Seidl's complaint is rejected for filing for failing to state a *prima facie* case.

¹⁰ Ms. Seidl's bill for usage and export from 8/17/22 to 9/16/22 indicated 1,031 kWh used at \$0.10092 per kWh for a total of \$104.05 less a credit for 863 kWh exported at \$0.06924 per kWh for a total of \$59.75.

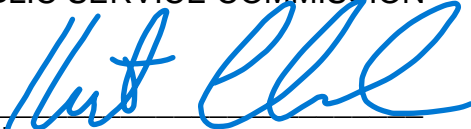
¹¹ KRS 278.260 requires the Commission to investigate any written complaint made by a customer of a utility subject to the Commission's jurisdiction that presents evidence that the rate charged to the customer is unreasonable or unjustly discriminatory.

2. Ms. Seidl shall have 20 days from the date of service of this Order to file an amended complaint with the Commission that conforms to the requirements of 807 KAR 5:001E, Section 20(1), and that states a *prima facie* case.

3. Ms. Seidl may file her amended complaint with the Commission by U.S. mail to P.O. Box 615, Frankfort, Kentucky 40602-0615 or by email to PSCED@ky.gov. Ms. Seidl shall include the case number, 2022-00361, in all filings with the Commission. A copy of this Order shall be served upon Ms. Seidl by U.S. mail to 2010 Alberta Drive, Lot 46, Crestwood, Kentucky 40014.

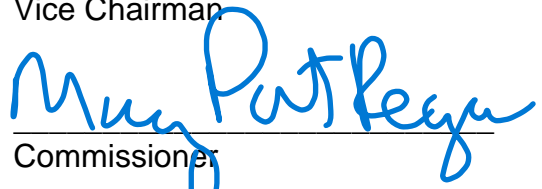
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PUBLIC SERVICE COMMISSION

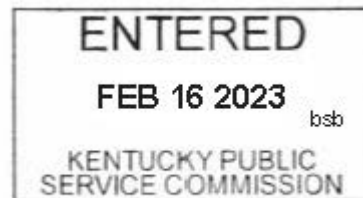


Chairman

Vice Chairman



Commissioner



ATTEST:



Executive Director

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